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Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE UKG INC CYBERSECURITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Actions.

Case No.: 3:22-cv-00346-SI

**DECLARATION OF MICHAEL
MORRISON IN SUPPORT OF
PLAINTIFFS' NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 2, 2023

Time: 10:00 a.m.

Dept.: Courtroom 1, 17th Floor, Via Zoom

Judge: Honorable Susan Illston

DECLARATION OF MICHAEL MORRISON

I, Michael Morrison, declare as follows:

1. I am an attorney-at-law and named partner at the law firm of Alexander Morrison + Fehr LLP. I am duly admitted to practice before this Honorable Court and am one of the attorneys of record for Plaintiffs in this action. I have personal knowledge of the facts set forth herein, (except where indicated upon information and belief) and if called as a witness, could and would testify competently thereto. I am making this declaration in support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement.

LEGAL EXPERIENCE AND EXPERIENCE WITH COMPLEX LITIGATION

2. I am a 1999 graduate of the University of California at Los Angeles School of Law and was admitted to the California State Bar in 1999.

3. Since admission to the California State Bar, I have been in continuous practice, which now spans over 23 years. My main areas of practice since becoming an attorney are: (1) class action litigation, including wage and hour class actions, equal pay act class actions, constitutional class actions, employment class actions and civil torts class actions; (2) employment and labor law; (3) constitutional/civil rights law, including police misconduct cases; (4) appellate law; and (5) civil tort litigation.

4. I have been a member of the United States Supreme Court Bar since 2004. I co-authored a merits brief to the United States Supreme Court in the case *Muehler, et al. v. Mena* (2004) 544 U.S. 93. In addition, three cases that I personally briefed and argued at the appellate level have been published. These cases are *Blankenhorn v. City of Orange, et al.* (9th Cir. 2007) 485 F.3d 463; *Macias v. County of Los Angeles, et al.* (2006) 144 Cal.App.4th 313; and *Cinquegrani, Royea v. Department of Motor Vehicles for the State of California, et al.* (2008) 163 Cal.App.4th 741. I also briefed and argued a published decision at the district court level – *Dalkilic v. Titan Corp.* (S.D. Cal. 2007) 516 F. Supp. 2d 1177.

5. I've been class counsel on a number of class action cases where substantial settlements were achieved. These include, but are not limited to, the following:

1 a. *Shoff v. AT&T Services, Inc., et al.* [United States District Court, Central
2 District of California, Case No. CV 07-3289 DSF (AGRx)] (mis-classification wage and hour case
3 resulting in \$16 million settlement);

4 b. *Doyle v. AT&T Services, Inc.* [United States District Court, Southern
5 District of California, Case No. 08-1275 JAH Wmc] (mis-classification wage and hour case
6 resulting in \$10.5 million settlement);

7 c. *Waters v. AT&T Services, Inc.* [United States District Court, Northern
8 District of California, Case No. CV 09-3983 BZ] (mis-classification wage and hour case
9 resulting in \$17 million settlement);

10 d. *Lita v. Bunim-Murray* [Los Angeles County Superior Court, Case No. BC
11 350590] (overtime case against reality television company resulting in \$5 million settlement);

12 e. *Avery v. OCTA, TCA* [Orange County Superior Court, Case No.:
13 07CC00004] (constitutional class action against toll road agencies resulting in over \$40 million in
14 economic benefits to class members and sweeping injunctive relief);

15 f. *Morrison, et al. v. Six Flags Theme Park, Inc.* [Los Angeles County
16 Superior Court, Case No. BC 253314] (race and ethnic discrimination case resulting in settlement
17 over \$5 million);

18 g. *Cinquegrani v. Department of Motor Vehicles* [Los Angeles County
19 Superior Court, Case No. BC 355720] (due process class action against the DMV resulting in
20 \$5,600,000 settlement);

21 h. *Odrick v. UnionBancal Corporation* [United States District Court, Northern
22 District of California, Case No. CV 10 5565 SBA] (misclassification class action on behalf of 132
23 class members; \$3,500,000 settlement); and

24 i. *Mendez, et al. v. R+L Carriers, Inc., et al.* [Northern District of California,
25 Case No. CV 11-02478 CW] (meal and rest break, minimum wage claim resulting in \$9,500,000
26 settlement);

j. *Contreras v. Performance Food Group, Inc., et al.* [Northern District of California, Case No: 4:14-CV-03380-PJH] (meal and rest break, minimum wage claim resulting in \$3,750,000 settlement);

k. I was also a member of the steering committee for the Plaintiff's side in the coordinated action The Clergy Cases (Clergy I), Case No. JCCP 4286, which settled for over \$660 million dollars with the Archdiocese of Los Angeles for sexual abuse committed against minors by priests of the Los Angeles Archdiocese;

l. *Boxall, et al. v. Los Angeles Times Communications, LLC, et al.*, Case No. CIVDS2010984 [San Bernardino County Superior Court] (California Fair Pay Act and PAGA action);

m. *Rose, et al., v. Vice media, LLC, et al.*, Case No. BC693688 [Los Angeles County Superior Court] (California Fair Pay Act; Federal Equal Pay Act - \$1,875,000 settlement);

n. *Davis v. The Beam Team*, Case No. CIVDS 1800073 [San Bernardino County Superior Court] (PAGA and class action settlement - \$985,817.11); and

o. *Chalian v. CVS, Inc., et al.*, Case No. :16-cv-08979-AB-AGR [United States District Court, Central District of California] (Class and PAGA action -\$10 million settlement).

6. I am currently lead counsel on no less than 15 class action cases. I also am regularly asked to speak at seminars and CLE's on wage and hour and employment related issues. For example, I have spoken at the State Bar Convention, the State Bar Wage and Hour Convention, and Los Angeles County Bar Labor and Employment Symposium.

HOURLY RATE AND LODESTAR

7. My hourly rate is \$850.00. I believe this hourly rate to be justified in light of my experience and the excellent results I have achieved in the past, as detailed above, as well the rates I have been awarded in the past.

8. For example, in March, 2014, Plaintiffs' motion for attorneys' fees was granted in a wage and hour class action (*Mendez, et al. v. R+L Carriers, Inc., et al.* [Northern District of California, Case No. CV 11-02478 CW]) where I requested \$665/hr in attorneys' fees. In 2015, other courts approved Plaintiffs' motion for attorneys fees where I requested \$665/hr as my

attorney fee rate in the following cases, amongst others: (1) *Ruiz v. Advertising Consultants Inc.*, Case No. BC 544842, Los Angeles County Superior Court; and (2) *Perez v. Danerica Enterprises, Inc.*, Case No. BC483161, Los Angeles County Superior Court. In 2016, by way of example, the Court approved Plaintiffs' motion for attorneys fees where I requested \$700/hr as my attorney fee rate in the case *Berry, et al. v. NCS Pearson, Inc.* [Superior Court for the State of California, County of San Bernardino, Case No. CIVDS1511972]. In *Contreras v. Performance Food Group, Inc.* [Northern District of California, Case No.: 4:14-CV-03380 PHJ], Plaintiffs' attorney fee motion was also approved where I requested \$700/hr as my hourly rate. In 2017, the Court approved Plaintiffs' motion for attorneys' fees where I requested \$700/hr as my attorney fee rate in the cases *Pucci, et al. v. 495 Productions, Inc.*, [Superior Court for the State of California, County of Los Angeles, Case No. BC541595] and *Phillips v. Accentcare, Inc.* [Superior Court for the State of California, County of San Bernardino, Case No. CIVDS1620673], among others. In 2018-2019, I have had at least five motions for final approval granted where I requested \$710 per hr. In the *Directv Wage and Hour Cases*, I was granted the full attorneys' fees I sought based on a \$725 hourly fee.

9. To show what my rates have been over time, in January, 2012, I was awarded an hourly rate of \$525 based on work performed between 2006 and 2011 on the class action case *Cinquegrani v. Department of Motor Vehicles*, Los Angeles County Superior Court, Case No. BC 355720. In 2008, in the case *Fontana v. St. Joseph Hospital of Orange* (Case No. 03CC02559 [Orange County Superior Court, Civil Complex Center]), the Court approved my hourly rate of \$425.00.

10. After not raising my attorneys' fees for over two years, I raised my attorney fee rate per hour by \$35 for 2016 to \$700. I raised my rates in 2017-2018 to \$710. In 2019, I raised my rates to \$750. In 2020, I raised my rates to \$800 and to \$810 in 2021. In 2022, I raised my rates to \$825. I have since raised my rate to \$850. Since 2008, I have only raised my attorney fee rates approximately \$28.33 per year on average. I would note that my rates are consistent with attorney fee rates in the San Francisco and Los Angeles markets. I have attached as Exhibit "1" a true and correct copy of a San Francisco Daily Journal article which lists fee rates for attorneys in the Los

1 Angeles and San Francisco markets for the years 2011 and 2012. Extrapolated to present time,
 2 these rates more than demonstrate that my hourly rate is reasonable and consistent with attorneys
 3 with commensurate experience and success.

4 11. My total lodestar to date is \$136,000 (160 hrs. * \$850 per hour). I currently use the
 5 billing software “Bill4Time” to record my time. I have not included the time spent by law clerks
 6 and paralegals on this case.

7 12. I served as co-lead counsel on this case. I have performed the following types of
 8 work: (1) interviewed and reviewed interviews of numerous potential class members about their
 9 experiences with the data breach prior to filing a complaint; (2) reviewed and edited the complaint
 10 and notice of cure correspondence; (3) reviewed and analyzed the discovery provided by
 11 Defendant regarding the scope of the data breach and response; (4) coordinated with other counsel
 12 who filed similar, overlapping actions; (5) participated in strategy meetings to prepare for
 13 mediation; (6) reviewed numerous data breach settlements and prepared memo in anticipation of
 14 mediation; (7) served as lead negotiator for Plaintiffs during lengthy settlement negotiations; (8)
 15 helped draft the settlement papers and participated in numerous conferences with co-counsel and
 16 Defense counsel to finalize settlement docs; (9) served as primary negotiator with counsel for
 17 Plaintiffs in overlapping actions to reach agreements; and (10) assisted in drafting the MPA papers.

18 Erin Lim

19 13. Prior to joining Alexander Morrison + Fehr LLP, Erin Lim worked at the Los
 20 Angeles Superior Court as a Law Clerk for the Honorable Rupert A. Byrdsong, where she
 21 researched and drafted tentative rulings for a variety of civil unlimited cases. Ms. Lim earned her
 22 J.D. from the University of Southern California Gould School of Law in 2018 where she received
 23 a USC Merit Scholarship and USC Lambda LGBT Alumni Association Scholarship. She also
 24 served as co-president of OUTLaw. While in law school, she worked at a plaintiff’s employment
 25 law firm and Lambda Legal, a public interest law firm. She also completed externships with the
 26 Honorable Klausner in the U.S. District Court for the Central District of California and the United
 27 States Attorney’s Office for the Central District of California. She received a B.A. in Political
 28 Science and a B.A. in History from UCLA in 2012.

14. Ms. Lim's lodestar on this matter is \$11,900 (14 hrs. x \$350 per hour). These hours were determined from the computer time keeping program Bill4time. Ms. Lim performed the following activities on this case, among other things: (1) reviewed and edited the complaint and cure letter; (2) drafted the Rule26(f) report; and (3) participated in strategy meetings with Plaintiffs' counsel.

LITIGATION COSTS

15. I have reviewed the costs incurred in this case. All of these costs and expenses were reasonable and necessary to bring this case to closure and are typically billed to a client. The amount of outstanding costs for my firm are \$6,778.33. Attached as Exhibit "2" is a true and correct copy of my firm's invoice of costs expended in this matter.

CONTINGENT NATURE OF RECOVERY

16. I have not been paid any money for my work on this case and my attorney's fees are wholly contingent upon a successful outcome.

17. Being a partner at a small law firm, I must be careful when it comes to the cases I take on, especially given the fact that almost all of my office's cases are contingent in nature. I simply cannot take on every meritorious action that comes through our door and the commitment to take on one class action case such as this means passing on another case. I can say that there have been several cases that I have not agreed to take on due to my case load.

I declare, under penalty of perjury of the laws of California, the foregoing to be true and correct. Executed this 28th day of April, 2023 in Los Angeles, CA.

/s/ Michael Morrison

EXHIBIT 1

Associate billing rates start climbing again

*Average rates going
back up after stagnation
brought on by recession*

By Kevin Lee
Daily Journal Staff Writer

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

Industry experts say the discrepancy appears to be the market correcting itself after firms slashed all associates and froze associate hiring in 2009 and 2010.

Partner billing rates, by comparison, rose 3.4 percent in the first half of the year compared to the year-earlier period, according to the latest research by Valuo Partners LLC, a Washington D.C.-based consulting firm.

Valuo compiled data on the billing rates of lawyers at 550 U.S. law firms through publicly available documents, such as court filings, fee applications and disclosure statements submitted to federal agencies.

Chuck Chandler, a Valuo co-founder and partner, said this year's rate increases were instituted to offset the lack of rate movement during the recession.

"The associates took the hit after 2008. Some firms laid off as much as 10 percent of their associates, delayed hiring new classes and froze compensation," he said. "Naturally, billing rates were slow to increase during that period."

For the first six months of this year, California markets all saw associate rate increases below the national average. Associates in San Francisco and Silicon Valley together claimed the highest average rate increase of the California markets — 7.3 percent.

"Northern California has all of the special media, the technology companies, which creates a lot of dealmaking and IPOs and also good fees and hourly rates," Chandler said.

By comparison, Los Angeles associates saw their rates go up an average of 5.8 percent. In San Diego, associate rates rose 4.2 percent.

Law firms generally increase billing rates each year, according to Shappard, Mullo, Richter & Hampton LLP partner Marc A. Sockol, who manages the firm's Palo Alto office.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks," Sockol said. "During those first couple years of this recession, we chose not to

Non-Paid 5 — ASSOCIATE

SAN FRANCISCO DAILY JOURNAL

LAW FIRM

Average Law Firm Billing Rates

Location	Position	2012	2011	Percent Increase
San Diego	Partner	\$568	\$568	0%
	Associate	\$394	\$378	4.2%
National	Partner	\$750	\$725	3.4%
	Associate	\$495	\$460	7.5%

Source: Voleo 2012 Halftime Report

Associate billing rates going up

Continued from page 1

based on billing rates."

Rockel declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates roughly 3 percent, he said.

James G. Leibold, executive director of the National Association for Law Placement in Washington D.C., said the jump in billing rates results from the overall decrease of associates at law firms, especially at large law firms. Large law firms, which are the biggest employers of junior lawyers, are relying less on partnership-track associates and more on staff lawyers, paralegals and contract lawyers.

NALP data reveals that from 2008 to 2011, large law firms on average hired entry-level associates at an

annual starting salary of \$180,000. Some law firms cut their starting salaries to \$165,000 during that time but not many, Leibold said he thought more firms would follow suit.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks."

—Blair A. Rockel

"What we saw was that law firms reduced their associate class almost dramatically, but they didn't reduce their pay," Leibold said. "They just

provided many lower jobs."

Some large firms have turned to creating nonpartnership-track staff lawyer positions for new classes of junior lawyers, whose billing rates and compensation are lower than those of partnership-track associates.

Law firms can then maintain or increase the billing rates for the small number of associates on the partnership track, knowing they can turn to their staff lawyers, paralegals or contract lawyers to drive down the cost of legal services for clients.

"I think you'll see that (approach) more in the next couple of years," Leibold said. "It's another way for them to bring the salary structure back down and meet the cost-conscious demands of clients and use people more efficiently."

Article 100 at dailyjournal.com

EXHIBIT 2

Case: Muller v. UKG, Inc. (10767)

Id:		10767		Case Status:		Open					
Name:		Muller v. UKG, Inc.		Case Assigned To:		Michael S Morrison					
Client:		Muller, William		Type:		Litigation					
Client Contact:				Billing Method:		Hourly					
				Hourly Rate:		Default Rates Apply					
				Overtime:		Default Rates Apply					
				Payment Due Upon:		Bill regularly					
				Created By:		Gustin Y Ham					
Description:		MSM & EL									

Expenses

Total Expenses: \$6,778.33							
Type	Desc	Reimburse	Receipt File	User	Date	Cost	Sell Price
Mediation	Stradley Ronon Mediation Invoice \$12,835 (1/3)	Yes		Gustin Ham	10/11/2022	\$4,278.33	\$4,278.33
Mediation	Stradley Ronon Mediation Invoice 8.1.22-Advanced (1/3) 8.26.22	Yes	AMF LT Mediator Encl Check - 8.26.22.pdf	Gustin Ham	08/26/2022	\$2,500.00	\$2,500.00